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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/108,506	07/01/1998	HIDEKI YASUKAWA	041-2021	2506

22429 7590 04/12/2002
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EXAMINER

SALCE, JASON P

ART UNIT PAPER NUMBER

2611

DATE MAILED: 04/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/108,506

Applicant(s)

YASUKAWA ET AL.

Examiner

Jason P Salce

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-20, 23, 24 and 26 is/are rejected.
- 7) ☒ Claim(s) 10, 21-22, 25, and 27-30 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 1998 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms, which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are:

On page 39, Line 23 it is unclear what "culling information needless" means.

On page 41, Line 15 it is unclear what "culls the part needless" means.

On page 31, Line 24 "eB" should be "3B".

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 150. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 4 is objected to because of the following informalities: "add" should be "added". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 5, 10, 12-15, 18, 21-22, 24, and 27-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claim 5, it is unclear what "possible at the condition" and "culling a portion needless" means. The examiner will interpret the claim as "displaying a program table to a display" for the remainder of this office action.

The term "little by little" in claim 10 is a relative term, which renders the claim indefinite. The term "little by little" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Referring to claim 12, it is unclear what "the attributive structure of a word relative to an attribute of the program table" means. The examiner will interpret the claim as "attribute information can be extracted from a program table" for the remainder of this office action.

Referring to claim 13, it is unclear what "an outline so far" means. The examiner will interpret the claim as "a description" for the remainder of this office

action. The examiner also suggests changing "stored to display and play back" to "stored for later display".

Referring to claim 14, it is unclear what "on the air at present" means. The examiner will interpret the claim as "on the air" for the remainder of this office action.

Referring to claim 15, it is unclear what "programs in the channel" means. The examiner will interpret the claim as "programs" for the remainder of this office action.

Referring to claim 18, it is unclear what "number of audience" means. The examiner will interpret the claim as "number of users" for the remainder of this office action.

Referring to claim 21, it is unclear what "retrieval was unsuccessful with program information". The examiner will interpret the claim as "retrieval was unsuccessful with retrieving program information" for the remainder of this office action.

Referring to claim 22, it is unclear what "when a retrieval as claimed in the claim the user attribute". The examiner will interpret the claim as "when a retrieval of a user attribute" for the remainder of this office action.

Referring to claim 24, it is unclear what "along the time of" means. The examiner will interpret the claim as "along the time line of" for the remainder of this office action.

Referring to claim 27, it is unclear what "a line of the program classification predetermined" means. The examiner will interpret the claim as "a portion of the classification information predetermined" for the remainder of this office action.

Referring to claim 28, it is unclear what "a program classification predetermined" means. The examiner will interpret the claim as "program classification information predetermined" for the remainder of this office action.

The term "relative key word" in claim 29 is a relative term, which renders the claim indefinite. The term "relative key word" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

The claims are generally narrative and indefinite, failing to conform to current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-7, 11-17, 19-20, 23-24, and 26 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Baji et al. (U.S. Patent No. 5,027,400).

Referring to claim 1, Baji discloses a program information storage (see Figure 1-1, Motion Picture Program Database 102). Baji also discloses a program table display (see Figure 1-1, Television Monitor 114). Baji also discloses designation of two axes attributes used for defining two axes for display on a program table (Column 12, Lines 53-68).

Referring to claim 2, Baji discloses inputting two-axes attributes used for displaying a program table (Column 12, Lines 53-68). Baji also discloses making a program table for retrieving program information from a program information storage (Column 11, Lines 54-65 and Column 13, Lines 17-25). Baji also discloses displaying the program table (Column 12, Lines 33-37).

Referring to claim 3, Baji discloses making a program table for retrieving program information from a program information storage (Column 11, Lines 54-65 and Column 13, Lines 17-25). Baji also discloses classifying program information (Column 11, Lines 54-60).

Referring to claim 4, Baji discloses that another attribute is selected or added to the two-axes attributes of the program table to change the display (Column 21, Lines 55-68).

Referring to claim 5, Baji discloses displaying a program table to a display (Column 12, Lines 33-37).

Referring to claim 6, Baji discloses that an original program table can be restored when displaying the present program table (Column 12, Lines 3-6 and Figure 14B, 14C and 14D).

Referring to claim 7, Baji discloses an attribute related to the program can be selected to change the display (Column 12, Lines 9-11 and Figure 14D)

Referring to claim 11, Baji discloses three axes attributes of the program table are selected by a user to display information as a three-dimensional shape (see Claim 32).

Referring to claim 12, Baji discloses extracting attribute information of a program table from the program information (Column 11, Lines 54-65).

Referring to claim 13, Baji discloses storing summary information, pictures or sounds of a program for later display (see Data Memory 140 in Figure 15, and Column 21, Lines 14-16).

Referring to claim 14, Baji discloses changing the display when an attribute is selected and displaying information relating to a program (Column 12, Lines 9-11).

Referring to claim 15, Baji discloses displaying advertisements and program relation information according to the time the program will be broadcasted (see Claim 17).

Referring to claim 16, Baji discloses program information (Column 11, Lines 43-47), program relation information (see preview program information from a database in Column 11, Lines 43-47), program renewal information

(Column 7, Lines 29-31), information registered by a user (Column 12, Lines 3-6), and transmitting video or audio (Column 4, Lines 13-18).

Referring to claim 17, Baji discloses an image sequence that can be transmitted and received to a program table display (Column 14, Lines 55-60 and Claims 10 and 12).

Referring to claim 19, Baji discloses transmitting and receiving an index for retrieving a program (Column 14, Lines 47-50 and Claim 26).

Referring to claim 20, Baji discloses storing the index on the receiver side that retrieves a program based on the users attribute (Column 14, Lines 47-50 and Column 11, Lines 54-65).

Referring to claim 23, Baji discloses recording a program, reserved for recording or played back in accordance with a user designation (Column 13, Lines 49-52).

Referring to claim 24, Baji disclose displaying a recorded program on the program guide (Column 13, Lines 49-64).

Referring to claim 26, Baji discloses displaying a list of programs according to actor or actress (Column 11, Lines 54-60).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baji et al. in view of Wehmeyer et al. (U.S. Patent No. 5,867,226).

6. Referring to claim 8, Baji discloses all of the limitations in claim 2. Baji fails to teach that a new attribute can be added or deleted from the program table in accordance with a selection of the attribute by a user. Wehmeyer teaches adding and deleting attributes in a program table (Column 3, Lines 2-7 and Figures 3 and 6C). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the multimedia bi-directional broadcast system, as taught by Baji, with the preferred viewer item list, as taught by Wehmeyer, for the purpose of allowing a user to edit the viewed item list in order to provide a better filter for the television program to be predicted (Column 2, Lines 54-56 of Wehmeyer).

Referring to claim 9, Baji disclose all the limitations in claim 1. Baji fails to teach information registered by a user can be designated as an attribute of the program table. Wehmeyer teaches a user can add an attribute (program) to the viewer list (Column 3, Lines 2-7). At the time the invention was made, it would

have been obvious to a person of ordinary skill in the art to modify the multimedia bi-directional broadcast system, as taught by Baji, with the preferred viewer item list, as taught by Wehmeyer, for the purpose of allowing a user to edit the viewed item list in order to provide a better filter for the television program to be predicted (Column 2, Lines 54-56 of Wehmeyer).

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baji et al. in view of LaJoie et al. (U.S. Patent No. 5,850,218).

Baji discloses all of the limitations in claim 2, as well as transmitting information to a receiver to display program information on a television display (Column 12, Lines 33-37). Baji fails to teach transmitting audience rating information and information relating to the number of users viewing the same program, and displaying this information in the program table. LaJoie discloses a full description window 530 that may include the program's rating (Column 30, Lines 26-30). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the multimedia bi-directional broadcast system, as taught by Baji, using the interactive program guide's selection control method for displaying user rating information, as taught by LaJoie, for the purpose of providing the user with the option of requesting more information that is of interest to the viewer to decrease user disinterest (Column 30, Lines 20-22 of LaJoie).

Allowable Subject Matter

7. Claims 10, 21-22, 25, and 27-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cobbley et al. (U.S. Patent No. 5,818,510) discloses a method and apparatus for providing broadcast information with indexing.

Girard et al. (U.S. Patent No. 5,751,282) discloses a system and method for calling video on demand using an electronic programming guide.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5359 for regular communications and (703) 872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-9048.

April 7, 2002


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